

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

### EXTRAORDINARY

**No. 3**

#### GOVERNMENT OF GOA

Department of Law and Judiciary

Law (Establishment) Division

#### Notification

6/28/92/LD (Misc. I)

#### The State Legal Services Authority Rules, 1996

In exercise of the powers conferred by section 28 of the Legal Services Authorities Act, 1987 (Central Act No. 39 of 1987), in consultation with the High Court, the Government of Goa, hereby makes the following rules, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa State Legal Services Authority Rules, 1996.

(2) They shall come into force at once.

2. *Definitions.*— In these rules, unless the context otherwise requires,—

(a) “Act” means “State Legal Services Authority Act, 1987 (No. 59 of 1994)”;

(b) “Chairman” means the Chairman of the State Authority, or, as the case may be, the Chairman of the District Authority, or, as the case may be, the Chairman of the Taluk Legal Services Committee;

(c) “District Authority” means the District Legal Services Authority constituted under section 9 of the Act;

(d) “High Court Legal Services Committee” means a High Court Legal Services Committee constituted under section 8A of the Act;

(e) “Member” means the Member of the State Authority nominated under clause (b) of sub-section 2 of section 6 of the Act or as the case may be of the District Authority nominated under clause (b) of sub-section (2) of Section 9 of the Act; or as the case may be a Member of Taluk Legal Services Committee nominated under clause (b) of sub-section (2) of section 11-A of the Act.

(f) “Secretary” means the Member Secretary of the State Legal Services Authority constituted under section 6 of the Act, or, as the case may be, the Secretary of the High Court Legal Services Committee constituted under section 8A of the Act, or as the case may be, the Secretary of the District Legal Services Authority constituted under section 9 of the Act;

(g) “State Authority” means the State Legal Services Authority constituted under section 6 of the Act;

(h) “Taluk Legal Services Committee” means a Taluk Legal Services Committee constituted under section 11A of the Act;

(i) All other words and expressions used in these Rules but not defined shall have the same meaning as assigned to them in the Act.

3. *The number, experience and qualifications of other members of the State Authority.*— (1) The State Authority shall have not more than fifteen members.

(2) The following shall be ex-officio members of the State Authority:—

- (i) Advocate General of the State;
- (ii) The Secretary in the Department of Finance;
- (iii) The Secretary in the Government of Law;
- (iv) The Inspector General of Police of the State;
- (v) Chairman, State Scheduled Castes and Scheduled Tribes Commission;

(vi) Two Chairmen of the District Authority, as may be nominated by the State Government, in consultation with the Chief Justice of the High Court.

(3) The State Government may nominate, in consultation with the Chief Justice of the High Court at Bombay, other members from amongst those possessing such experience and qualifications specified in sub-rule (4) of this rule.

(4) A person shall not be qualified for nomination as a member of the State Authority unless he is—

(a) an eminent Social Worker who is engaged in the upliftment of the weaker sections of the people, including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labour;

or

(b) an eminent person in the field of Law; or

(c) a person of repute who is specially interested in the implementation of the Legal Services Schemes.

4. *The powers and duties of the Member Secretary of the State Authority.*—The powers and duties of the Member Secretary of the State Authority, *inter alia*, shall be—

(a) to give free legal services to the eligible and weaker sections;

(b) to work out modalities of the Legal Services Schemes and programmes approved by the State Authority and ensure their effective monitoring and implementation;

(c) to exercise the powers in respect of administration; house-keeping, finance and budget matters as Head of the Department in the State Government;

(d) to manage the properties, records and funds of the State Authority;

(e) to maintain true and proper accounts of the State Authority including checking and auditing in respect thereof periodically;

(f) to prepare Annual Income and Expenditure Account and Balance Sheet of the State Authority;

(g) to liaise with the Social Action Groups and Districts and Taluk Legal Services Authorities;

(h) to maintain up-to-date and complete statistical information including progress made in the implementation of various Legal Services Programmes from time to time;

(i) to process proposals for financial assistance and issue Utilisation Certificate thereof;

(j) to organise various Legal Services Programmes as approved by the State Authority and convene meetings/

/seminars and workshops connected with Legal Services. Programmes and preparation of Reports and follow-up action therein;

(k) to produce video/documentary films, publicity material, literature and publications to inform general public about the various aspects of the Legal Services Programmes;

(l) to lay stress on the resolution of rural disputes and to take extra measures to draw schemes for effective and meaningful legal services for settling rural disputes at the door-steps of the rural people;

(m) to perform such of the functions as may be assigned to him under the Schemes formulated under section 4 (b) of the Act; and

(n) to perform such other functions as may be expedient for efficient functioning of the State Authority.

5. *The terms of office and other conditions relating thereto of members and Member Secretary of the State Authority.*—(1) The term of the members of the State Authority nominated by the State Government under sub-rule (3) of rule 3 shall be for a period of two years and they shall be eligible for re-nomination.

(2) A member of the State Authority nominated under sub-rule (3) of rule 3 may be removed by the State Government if in the opinion of the State Government and for reasons to be recorded in writing it is not advisable that he should continue as a member.

(3) If any member nominated under sub-rule (3) of rule 3 ceases to be a member of the State Authority for any reason, the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be a member for the remaining term of the member in whose place he is nominated.

(4) All members nominated under sub-rule (3) of rule 3 shall be entitled to payment of travelling allowance and daily allowance in respect of journeys performed in connection with the work of the State Authority and shall be paid by the State Authority in accordance with the rules as are applicable to the Grade "A" officers, as amended from time to time.

(5) If the nominated member is a Government employee he shall be entitled to only one set of travelling allowances and daily allowances either from his parent department, or, as the case may be from the State Authority.

(6) The Member Secretary of the State Authority shall be the whole time employee and shall hold office for a term not exceeding five years.

(7) In all matters like age of retirement, pay and allowances; benefits and entitlements; and disciplinary matters, the Member Secretary shall be governed by the State Government Rules and he shall be on deputation to the State Authority.

6. *The number of officers and other employees of the State Authority.*—The State Authority shall have such number of

officers and other employees for rendering secretarial assistance and for its day-to-day functions as may be notified by the State Government from time to time.

7. *The conditions of service and the salary and allowances of officers and other employees of the State Authority.*— (1) The officers and other employees of the State Authority shall be entitled to draw pay and allowances in the scale of pay indicated against each post in the Schedule to these rules or at par with the State Government employees holding equivalent posts;

(2) In all matters like age of retirement, pay and allowances benefits and entitlements and disciplinary matters, the officers and other employees of the State Authority shall be governed by the State Government Rules as are applicable to persons holding equivalent posts.

(3) The officers and other employees of the State Authority shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government from time to time.

8. *The experience and qualifications of Secretary of the High Court Legal Services Committee.*— A person shall not be qualified for appointment as Secretary of the High Court Legal Services Committee unless he is an officer of the High Court not below the rank of Joint Registrar.

9. *The number of officers and other employees of the High Court Legal Services Committee and the conditions of service, salary and allowances payable to them.*— (1) The High Court Legal Services Committee shall have such number of officers and other employees for rendering secretarial assistance and for its day-to-day functions as may be notified by the State Government from time to time.

(2) The Officers and other employees of the High Court Legal Services Committee shall be entitled to draw pay and allowances in the scale of pay at par with the State Government Employees holding equivalent posts.

(3) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the officers and other employees of the High Court Legal Services Committee shall be governed by the State Government Rules as are applicable to persons holding equivalent posts.

(4) The officers and other employees of the High Court Legal Services Committee shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government from time to time.

10. *The number, experience and qualifications of members of the District Authority.*— (1) The District Authority shall have not more than eight members.

(2) The following shall be *ex-officio* members of the District Authority:—

- (i) District Magistrate;
- (ii) Superintendent of Police;
- (iii) Chief Judicial Magistrate; and

(iv) Government Advocate.

(3) The State Government may nominate, in consultation with the Chief Justice of the High Court, other members from amongst those possessing the qualifications and experience specified under sub-rule (4) of this rule.

(4) A person shall not be qualified for nomination as a member of the District Authority unless he is —

(a) an eminent Social Worker who is engaged in the upliftment of the weaker sections of the people, including Scheduled, Castes, Scheduled Tribes, women, children and rural labour;

(b) an eminent person in the field of Law; or

(c) a person of repute who is specially interested in the implementation of the Legal Services Schemes.

11. *The number of officers and other employees of the District Authority.*— The District Authority shall have such number of officers and other employees for rendering secretarial assistance and for its day-to-day functions as may be notified by the State Government from time to time.

12. *The conditions of service and the salary and allowances of the officers and other employees of the District Authority.*— (1) The officers and other employees of the District Authority shall be entitled to draw pay and allowances in the scale of pay at par with the State Government employees holding equivalent posts.

(2) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the officers and other employees of the District Authority shall be governed by the State Government Rules as are applicable to persons holding equivalent posts.

(3) The officers and other employees of the District Authority shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government from time to time.

13. *The number, experience and qualifications of members of the Taluk Legal Services Committee.*— (1) The Taluk Legal Services Committee shall have not more than five members.

(2) The following shall be *ex-officio* members of the Taluk Legal Services Committee:—

- (i) Sub-Divisional Officer;
- (ii) Sub-Divisional Police Officer having jurisdiction.

(3) The State Government may nominate, in consultation with the Chief Justice of the High Court, other members from amongst those possessing the qualifications and experience as specified under sub-rule (4) of this rule.

(4) A person shall not be qualified for nomination as a member of the Taluk Legal Services Committee unless he is—

(a) an eminent Social Worker who is engaged in the upliftment of the weaker sections of the people, including

Scheduled Castes, Scheduled Tribes, women, children and rural labour; or

(b) an eminent person in the field of Law; or

(c) a person of repute who is specially interested in the implementation of the Legal Services Schemes.

14. *The number of officers and other employees of the Taluk Legal Services Committee.*— The Taluk Legal Services Committee shall have such number of officers and other employees for rendering secretarial assistance and for its day-to-day functions as may be notified by the State Government from time to time.

15. *The conditions of service and the salary and allowances of officers and other employees of the Taluk Legal Services Committee.*— (1) The officers and other employees of the Taluk Legal Services Committee shall be entitled to draw pay and allowances in the scale of pay indicated against each post at par with the State Government employees holding equivalent posts.

(2) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the officers and other employees of the Taluk Legal Services Committee shall be governed by the State Government Rules as are applicable to persons holding equivalent posts.

(3) The officers and other employees of the Taluk Legal Services Committee shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government from time to time.

16. *The upper limit of annual income of a person entitled to legal services under clause (h) of section 12, if the case is before a Court, other than the Supreme Court.*— Any citizen of India whose annual income from all sources does not exceed Rs. 20,000/- (Rupees twenty thousand only) or such higher amount as may be notified by the State Government from time to time, shall be entitled to legal services, under clause (h) of section 12 of the Act, if the case is before a Court other than the Supreme Court.

17. *The experience and qualifications of other persons of the Lok Adalats referred to in clause (b) of sub-section (2) of section 19 other than referred to in sub-section (3) of section 19.*— A person shall not be qualified to be included in the Bench of Lok Adalat unless he is:—

(a) an eminent social worker who is engaged in the upliftment of the weaker sections of the people; including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labour; or

(b) a lawyer of standing; or

(c) a person of repute who is specially interested in the implementation of the Legal Services Schemes and programmes.

By order and in the name of the Governor of Goa.

Angela Menezes, Under Secretary (Law).

Panaji, 18th November, 1996.

## SCHEDULE

[Please refer to rules 6, 7, 9(1) & (2), 11, 12(1), 14 and 15(1)]

Sl. No.	Nomenclature of the post	Scale of pay	Number of posts required	Job description
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### For State Level Authority:

1.	Member Secretary	As proposed from time to time	1 post	As specified in the rules
2.	Head Clerk	"	1 post	
3.	Jr. Stenographer	"	1 post	
4.	U. D. C.	"	1 post	
5.	L. D. C.	"	1 post	
6.	Peon	"	1 post	

### For District Level Authority:

1.	Member Secretary	As proposed from time to time	2 posts	
2.	U. D. C.	"	2 posts	
3.	Jr. Stenographer	"	2 posts	
4.	L. D. C.	"	2 posts	
5.	Peon	"	2 posts	

### For Taluk Level Committees:

1.	U. D. C.	As proposed from time to time	5 posts	
2.	L. D. C.	"	5 posts	
3.	Peons	"	5 posts	

## LOK ADALAT SCHEME

In exercise of the powers conferred by section 4 (b) of the Legal Services Authorities Act, 1987 (No. 39 of 1987), as amended, the Central Authority hereby makes this Scheme known as Lok Adalat Scheme.

1. *Definitions.*— In these Rules unless the context otherwise requires,—

(a) "Act" means the Legal Services Authorities Act, 1987 (No. 39 of 1987) as amended by Legal Services Authorities Act, 1994 (No. 59 of 1994);

(b) "Chairman" means the Executive Chairman of the State Authority, or, as the case may be, the Chairman of the District Authority, or, as the case may be, the Chairman of the Taluk Legal Services Committee;

(c) "District Authority" means the District Legal Services Authority constituted under section 9 of the Act;

(d) "High Court Legal Services Committee" means a High Court Legal Services Committee constituted under section 8A of the Act.

- (e) "State Authority" means the State Legal Services Authority constituted under Section 6 of the Act;
- (f) "Taluk Legal Services Committee" means a Taluk Legal Services Committee constituted under Section 11A of the Act;
- (g) all other words and expressions used in these Rules but not defined shall have the meaning respectively assigned to them in the Act.

2. *Procedure for organising Lok Adalat.*— (1) The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee as the case may be, shall convene and organise Lok Adalats at regular intervals:

Provided that the Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall convene a Lok Adalat as soon as about 30 cases referred to it under Section 20 of the Act or otherwise are available for being taken up\*:

(2) The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, may associate the members of the legal professionals, college students, social organisations, charitable and philanthropic institutions and other similar organisations with the Lok Adalats.

(3) *Intimation to the State Authority.*— (1) The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee as the case may be, shall inform the State Authority about the proposal to organise the Lok Adalat well before the date on which the Lok Adalat is proposed to be organised and furnish the following information to the State Authority:—

- (i) the place and the date at which the Lok Adalat is proposed to be organised;
- (ii) whether some of the organisations as referred to in para 1(2) of this Scheme have agreed to associate themselves with the Lok Adalat;
- (iii) categories and nature of cases, viz. pending cases or pre-litigation disputes, or both, proposed to be placed before the Lok Adalat;
- (iv) number of cases proposed to be brought before the Lok Adalat;
- (v) any other information relevant to the convening and organising of the Lok Adalat.

4. *Notice to the parties concerned.*— The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, convening and organising the Lok Adalat shall inform every litigant whose case is referred to the Lok Adalat, well in time so as to afford him an opportunity to prepare himself for the Lok Adalat.

#### 5. *Composition of the Lok Adalat.*—

(1) *At High Court Level:* The Secretary of the High Court Legal Services Committee organising the Lok Adalat shall constitute Benches of the Lok Adalats, each Bench comprising two or three of the following:—

- (i) a sitting or retired Judge of the High Court;
- (ii) a member of the legal profession; and
- (iii) a social worker.

(2) *At District Level:* The Secretary of the District Authority organising the Lok Adalat shall constitute Benches of the Lok Adalat, each Bench comprising two or three of the following:—

- (i) a sitting or retired judicial officer;
- (ii) a member of the legal profession; and
- (iii) a social worker or para-legal of the area.

(3) *At Taluk Level.*— The Chairman of the Taluk Legal Services Committee organising the Lok Adalat shall constitute Benches of the Lok Adalat, each Bench comprising two or three of the following:—

- (i) a sitting or retired judicial officer;
- (ii) a member of the legal profession;
- (iii) a social worker or para legal of the area, preferably a woman.

6. *Summoning of records and the responsibility for its safe custody.*— (1) The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, may call for the judicial records of those pending cases which are referred to the Lok Adalat under Section 20 of the Act from the concerned Courts.

(2) If any case is referred to the Lok Adalat at the pre-litigation stage, the version of each party shall be obtained by the Secretary of the High Court Legal Services Committee of the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, to be placed before the Lok Adalat.

(3) The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall be responsible for the safe custody of the records from the time he receives them from the Court till they are returned.

(4) Each judicial authority is expected to cooperate in transmission of the court records.

(5) The judicial records shall be returned within ten days of the Lok Adalat irrespective of whether or not the case is settled by the Lok Adalat with an endorsement about the result of the proceedings.

7. *Functioning of the Lok Adalat.*— (1) The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall assign specific cases to each Bench of the Lok Adalat.

(2) The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, may prepare a 'cause list' for each Bench of the Lok Adalat and intimate the same to all concerned at least two days before the date of the Lok Adalat.

(3) Every Bench of the Lok Adalat shall make sincere efforts to bring about a conciliatory settlement in every case put before it without bringing about any kind of coercion, threat or undue influence, allurements or misrepresentation.

8. *Holding of Lok Adalat*.— A Lok Adalat may be organised at such time and place and on such days, including Saturdays, Sundays and Holidays as the State Authority, High Court Legal Services Committee, as the case may be organising the Lok Adalat deems appropriate.

9. *Procedure for effecting compromise or settlement at Lok Adalat*.— (1) Every Award of the Lok Adalat shall be signed by the Panel constituting the Lok Adalat.

(2) The original Award shall form part of the judicial records and a copy of the Award shall be given to each of the parties duly certified to be true by the panel constituting the Lok Adalat.

10. *Award to be categorical and lucid*.— Every Award of the Lok Adalat shall be categorical and lucid and shall be written in the language used in the local courts. The Award may be drawn up in English or in the regional language.

(2) The parties to the dispute shall be required to affix their signatures or, as the case may be, thumb impression on the Award of the Lok Adalat.

11. *Compilation of results*.— At the conclusion of session of the Lok Adalat, the Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall compile the results for submission to the State Authority.

12. *Maintenance of Panel of Lok Adalat Judges*.— The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall maintain a panel of retired Judges, Advocates, Social Workers etc. possessing qualification and experience prescribed under Section 28(0) of the Act, who may work in Lok Adalats.

13. *Remuneration to officers and staff of the Lok Adalat*.— (1) Every member of the Bench of Lok Adalat shall be entitled to Conveyance Allowance.

(2) The Presiding Officer of the Lok Adalats held at Taluk and District Levels shall also be entitled to honorarium at such rates as may be determined by the Secretary of the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be but not exceeding Rs. 50/- per case decided and subject to a maximum of Rs. 500/- per day.

(3) The Presiding Officer for the Lok Adalats held at High Court Level shall also be entitled to honorarium at such rates as may be determined by the Secretary of the High Court Legal Services Committee, but not exceeding Rs. 75/- per case decided and subject to a maximum of Rs. 750/- per day.

14. *Procedure for maintaining record of cases referred under section 20 of the Act or otherwise*.— (1) The Secretary of the High Court Legal Services Committee or the District Authority or the

Chairman of the Taluk Legal Services Committee, as the case may be, shall maintain a Register wherein all the cases received by him by way of reference to the Lok Adalat shall be entered giving particulars of the—

- (i) date of the receipt;
- (ii) nature of the case;
- (iii) such other particulars as may be deemed necessary; and
- (iv) date of settlement and return of the case file.

(2) When the case is finally disposed of by the Lok Adalat, an appropriate entry will be made in the Register.

15. *Budget*.— (1) The High Court Legal Services Committee and the District Authority shall submit the Budget proposals to the State Authority on financial year basis in respect of the Lok Adalat Scheme.

(2) The Taluk Legal Services Committee shall submit the Budget proposals to the District Authority on financial year basis in respect of the Lok Adalat Scheme.

(3) The expenditure for Lok Adalat Scheme shall constitute "Non-Plan" expenditure and may be met out of the grants received by the High Court Legal Services Committee and the District Authority and the Taluk Legal Services Committee, as the case may be.

16. *Maintenance of Accounts*.— (1) The Chairman of the High Court Legal Services Committee or the District Authority or the Taluk Legal Services Committee, as the case may be, shall exercise complete and full control over the expenditure to be incurred in the Lok Adalats.

(2) The Secretary of the High Court Legal Services Committee or the District Authority, as the case may be, shall render true and proper accounts to the State Authority every quarter.

(3) The Chairman of the Taluk Legal Services Committee shall render true and proper accounts to the District Authority every month.

17. *Funding*.— On a request received from the High Court Legal Services Committee or the District Authority or the Taluk Legal Services Committee, as the case may be the State Legal Services Authority may release special grants for convening and holding of Lok Adalats, if considered necessary.

18. *Miscellaneous*.— (1) The appearance of lawyers on behalf of the parties at the Lok Adalat shall not be refused.

(2) No fee shall be payable by the parties in respect of matters of cases brought before or referred to a Lok Adalat.

(3) The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall provide all assistance as may be necessary to the Lok Adalats.

(4) Every Bench of the Lok Adalat may evolve its own procedure for conducting the proceeding before it and shall not be bound by either the Civil Procedure Code or the Evidence Act or the Code of Criminal Procedure subject, however, to the principals of natural justice.